

Middlesex University Research Repository

An open access repository of

Middlesex University research

<http://eprints.mdx.ac.uk>

Kofman, Eleonore ORCID logoORCID: <https://orcid.org/0000-0003-3439-2017> (2018) Family migration as a class matter. *International Migration*, 56 (4) . pp. 33-46. ISSN 0020-7985
[Article] (doi:10.1111/imig.12433)

Final accepted version (with author's formatting)

This version is available at: <https://eprints.mdx.ac.uk/27692/>

Copyright:

Middlesex University Research Repository makes the University's research available electronically.

Copyright and moral rights to this work are retained by the author and/or other copyright owners unless otherwise stated. The work is supplied on the understanding that any use for commercial gain is strictly forbidden. A copy may be downloaded for personal, non-commercial, research or study without prior permission and without charge.

Works, including theses and research projects, may not be reproduced in any format or medium, or extensive quotations taken from them, or their content changed in any way, without first obtaining permission in writing from the copyright holder(s). They may not be sold or exploited commercially in any format or medium without the prior written permission of the copyright holder(s).

Full bibliographic details must be given when referring to, or quoting from full items including the author's name, the title of the work, publication details where relevant (place, publisher, date), pagination, and for theses or dissertations the awarding institution, the degree type awarded, and the date of the award.

If you believe that any material held in the repository infringes copyright law, please contact the Repository Team at Middlesex University via the following email address:

eprints@mdx.ac.uk

The item will be removed from the repository while any claim is being investigated.

See also repository copyright: re-use policy: <http://eprints.mdx.ac.uk/policies.html#copy>

Family Migration as Class Matter

This is the pre-publication version of the final article in *International Migration*

International Migration 2018, 56(4): 33-46 doi: 10.1111/imig.12433

Abstract

Traditionally, family migration was conceptualized as a separate form of migration from labour migration. Increasingly socio-economic criteria (labour market participation, language competence, financial resources, independence from welfare), have been applied to family migration policies in Europe, and are harder to fulfil by those with a weaker labour market position. Hence class now plays an increasingly significant role in stratifying the right to family migration. The article examines the imposition of minimum income requirements in three countries – the Netherlands, Norway and the UK – and the significance of class in its economic and cultural dimensions in meeting the requirement. For those without sufficient economic capital to meet the requirement, cultural capital may facilitate the development of coping strategies to overcome or reduce the duration of family separation. Class is not the only stratifying element: gender, age and ethnicity interact with and reinforce the effects of class.

Traditionally family migration was conceptualised as a separate form of migration divorced from labour migration which derived from economic imperatives. Increasingly however, socio-economic criteria such as labour market participation, language competence, financial resources and independence from welfare, have been applied to family migration policies in European states. These policies promote liberal notions of autonomy and self-responsibility (Ruffer 2011; Schinkel and van Houdt 2010) but are harder to fulfil by those with a weaker or unstable labour market position. Women who are more likely to work part-time, earn less (gender pay gap, segregated sectors) and have caring responsibilities, certain ethnic minorities, the less skilled and the young, especially at a time of high youth unemployment, are among those most likely to be affected.

In national regulations, class has come to play an increasingly significant role in stratifying the right to family migration. Class facilitates or renders difficult transnational family life (Fresnoza-Flot and Shinozaki, 2016) through the outcomes of immigration policies in destination countries and the ability to live family life in one place rather than as an enforced transnational existence. Traditionally class had been theorized in relation to hierarchies and inequalities in relation to material resources, in particular position in the social division of labor and structures of wealth. After a period of questioning the relevance of class as a category of societal analysis, the recent revival of interest in class since the 1990s has embraced cultural dimensions such as consumption, cultural practices and bodily performance (Kelly, 2012) and its intersections with other social divisions of gender and race (Anthias 2005; Sirriyeh 2015).

In policy terms, a growing culturalization of economic deprivation and a conflation of economic and cultural characteristics have emerged in what Bonjour and Duyvendak (2017) term the 'migrant with poor prospects', often associated with

racialized migrant groups, such as Moroccans, South Asians and Turkish. These groups are frequently depicted as being likely to become dependent on the welfare state and unlikely to make good citizens or fit into a national community (Anderson, 2013). Migrants are thus expected to demonstrate they are responsible for themselves and self-sufficient before they are bestowed with social citizenship. Those on low incomes, with few resources and low levels of education have increasingly been excluded through restrictive immigration regulations in labor migration favouring the skilled as well as in international families (Sirriyeh 2015). Other requirements, such as integration measures, including language tests, pre and post immigration, demand material resources and educational qualifications. When language tests were first implemented, they had the effect of raising the educational level of spouses in Germany and the Netherlands (Goodman 2011; Scholten et al. 2012).

Of the economic criteria, a minimum income to be earned from the labour market has been prioritized. Apart from being the easiest measure to verify by government officials, it reflects an appropriate work ethic (Chauvin et al. 2013), the capacity of the sponsor to be independent from the state and responsible for her/himself and the family (Schinkel and Van Houdt 2010). Savings above a certain amount can compensate for inadequate earnings but own income is not permitted in Norway. Assistance from other sources, such as the earnings of prospective spouses or third party support are also not permitted, as in Norway and the UK.

At the same time the impact of restrictive conditions doesn't necessarily map onto a simple division of class positions between working and middle class. Following Bourdieu (1987), whose conceptualization has been crucial to the rethinking of class transnationally (Erel, 2010; Kelly, 2012; van Hear, 2014; Weiss, 2005), the combination of different capitals (economic, cultural, social and symbolic) has led to a much more nuanced appreciation of class (Wacquant, 2013). Economic capital relates to material wealth while cultural capital takes three forms (Bourdieu 1986:48), namely embodied which comprises internalized cultural signals (attitudes, preferences, knowledge); objectified which manifests itself in material objects which acquires its worth only if the individual is in possession of the means of consuming them; and institutionalized which refers to academic qualifications. What is significant for our analysis is that capitals are convertible ie. economic capital facilitates the acquisition of institutionalized cultural capital and vice versa.

His framework has also contributed to reconceptualising the fragmented nature of traditional working and middle classes and the emergence of new classes (Savage et al. 2013 for the UK), in part because class positions may combine economic, cultural and social capitals in different proportions rather than be based

on occupational divisions alone. Immigration policies seeking to restrict family migration have tended to emphasize economic criteria such as income. Thus those doing skilled working class jobs, such as electricians or plumbers, are more likely to be able to meet the income requirements than many in service occupations. On the other hand, some individuals from middle class backgrounds with low economic capital and insecure jobs but high cultural capital, for example young people with degrees, may form part of the precariat (Standing, 2011). In this situation, some of them pursue global mobility in search of other opportunities and, in doing so, meet their future intimate partner. Others move in order to circumvent or overcome the barriers preventing them living with their partners, and which may also be easier for those with cultural capital (Wray et.al. forthcoming). In this paper, I am particularly interested in the extent to which cultural capital in its various dimensions (education, cultural attitudes and practices) enables the individual and family members to navigate the immigration system.

The article thus explores the class outcome of restrictive family migration policies based on economic criteria and the ways in which class, especially its cultural dimensions, are also likely to play a significant part in the ability of individuals and families to overcome the restrictions. The analysis will focus on three countries – the Netherlands, Norway and the UK- which have introduced minimum income regulations without permitting other resources to alleviate deficiencies in income of the sponsor. In the space of this article it is not possible to examine in depth the impact of other measures such as language and knowledge tests and their implications for the ability of entry, obtaining permanent residence and citizenship.

Within this comparative perspective, I pay particular attention to the UK where there have been a number of academic and policy publications, media reports and activist organisations have drawn attention to the discriminatory implications of the minimum income regulations and the strategies adopted to overcome these effects, such as exercising free movement rights by moving to another European state. In this case the imposition of a minimum income has affected a larger number of citizens in the UK, often with no migrant background, than in the other countries, either because the income required is lower or there are more exceptions. In Norway, for example students, citizens returning from abroad are exempt from the income requirement. In the UK there is a great deal more information about the experiences of families affected by the minimum income rule due to the harshness of the rule, very few exemptions (those on disability benefits, full-time carers allowance) and activism. In Denmark there are a number of studies (Fernandez and Jensen, 2014; Rytter, 2011; Wagner 2015) concerning the strategies adopted to circumvent

immigration regulations by moving to a neighbouring Sweden. However I have not included Denmark in the comparison because it is less a stipulated income level than criteria on minimum age of marriage, cousin marriage and attachment to the country which pose the most severe impediments. In terms of economic resources, it is as likely to be the bank guarantee which poses the greatest problem.

The first section discusses the shift away from a purely social conceptualisation of family migration to the incorporation of economic imperatives and links to labour market participation or what has been termed an economic drift (Staver 2015) in a number of European countries in the past 15 years. In the second section I turn to a more detailed examination of the introduction of the minimum income requirement and its effects on marriage migration in three countries that have imposed the harshest measures -the Netherlands, Norway and the UK. Its discriminatory impact is not limited to class but is found to produce a differential outcome in terms of gender, age, ethnicity and geographical location.

From A Social Understanding to Economic Imperative

Family migration, as a dependent and largely feminized flow, was associated with the social realm. It was seen as facilitating the integration of migrants as well as stemming from normative principles. Indeed male marriage migrants, aroused suspicion on grounds that they were using this form of entry as a covert form of economic migration and a means of entering the labor market which was deemed to be their primary aim (Wray 2006). In some European countries access to the labour market was denied or restricted for family migrants. In different ways male and female family migrants were thus seen as posing a threat to indigenous workers and using this means of entry to circumvent restrictions on economic migration.

Attitudes and practices towards spousal participation in the labour market, though not new, have changed considerably in the past few decades as part of the changing conceptualization of the family. Van Walsum (2012:6) notes the shift from the 'conception of the heteronormative, marriage-centred and patriarchal family', and one might add the male breadwinner model, 'to a focus on the autonomous individual who is sexually emancipated, gender neutral and self supporting'. In relation to the modern couple and intimacy, it is the pure relationship (entered into for its own sake with partners being emotionally involved, and pursuing gender equality and sexual pleasure) which is set up as the ideal (Eggebo 2013; Giddens 1992). Family migration policies increasingly reflect the dominance of the ideal of romantic

love between autonomous individuals emblematic of Northern centric civility (Mai and King 2009). So 'whilst family life has become increasingly a matter of individual responsibility, it requires monitoring by a tutorial state' (van Walsum 2012:6), especially for families with a migrant background. The migrant family is represented as inimical to modern values and problematic for integration and the reproduction of worthy citizens.

Initially, in the 1990s, interventions in couple formation and family migration were directed towards the entry of spouses. They stemmed from concerns about forced marriage (Kofman et al. 2015), which in many countries led to increases in the minimum age of marriage for sponsors and spouses and the introduction of pre-entry language tests (Austria, Germany, the Netherlands and the UK). In Norway, forced marriages, which were hotly debated, was one of the two areas of focus in the Immigration Act Commission of 2004, and led to the call to regulate marriages of second generation immigrants from Pakistan and Turkey (Staver 2013). Raising the age of marriage was scrapped in 2007 and instead the solution of a high income requirement which would force sponsors to be independent was imposed (Eggebo 2010; Staver 2015). A second argument for intervention was failing and unwilling integration, reflecting a shift in attitudes from rights to duties and obligations of active citizens. Especially in Nordic states, female spouses are often deemed to be unwilling to play their part as workers and embrace gender equality required of good citizens. The emphasis on emancipation and independence, which is to be achieved through the labour market, remains strong (Eggebo, 2010). A satisfying family life is based on women working and independently earning their own income (Cochran Bech et al. 2017). In the Netherlands too civic integration has come to be defined increasingly in terms of paid labour (van Walsum 2012: 8), and consequently family migration policies have developed according to the ability to earn a sufficient income at a level not to require any support from the state.. The welfare cost of family migrants has also become a polemical issue in the development of restrictive policies to cut the number of family migrants, especially those on low incomes often assumed to be primarily from ethnic minorities (Denmark, the Netherlands, UK).

In the past two decades, family migration has become much more restrictive in relation to the resources demanded of both citizen and permanent resident sponsors and migrant spouses for entry and subsequent integration in order to eliminate those with poor prospects (Bonjour and Duyvendak 2017 for the Netherlands). Whilst minimum resource requirements for entry have existed for some time, many states have raised the minimum level of income and more clearly stipulated the conditions to attain it. Thus many major countries of immigration in

Northern Europe have introduced fixed minimum incomes for sponsors (EMN 2017). Austria raised its level in 2009 from equivalent to social assistance to the higher one of minimum pension (Kraler et al. 2013). Belgium imposed a minimum level in April 2011 with policies similar to the Dutch. Sweden did so in 2010 after it had radically opened its immigration to labour migrants of different skill levels. An exception is Germany where the income level constitutes a reference point rather than a fixed threshold (Pascouau et al. 2011). Although the Danish have not set a minimum income, the combination of minimum housing standards per inhabitant and bank guarantees, constitute a substantial economic threshold with the purpose of enforcing a continuing commitment to participation in the labour market which has had a particularly strong impact on female sponsors.

Furthermore, the ways in which the financial resources could be provided have also been restricted. Previously, in countries such as Norway and the UK, the family as a whole could support the couple, but recent developments in the determination of eligible resources put the onus on the individual who alone must demonstrate her/his ability to participate in the labour market and support their future spouse. This withdraws more collective forms of support. In the UK, income can only be generated by the sponsor and not the prospective earnings of the overseas spouse. France represents an exception in allowing both partners to make up the required income (Pascouau et al. 2011).

In this paper, I argue that the imposition of income requirements at stipulated levels represents the transposition of economic criteria normally associated with labour migration. This serves to stratify the population that is able and worthy of family reunification and formation with a non-EU citizen. On the one hand, skilled migrants may be exempt from some of the requirements, such as knowledge of the language, as in the Netherlands, on the other, these regulations increasingly extend to citizens in order to encompass those of minority backgrounds who are considered to be too attached to their co-ethnics in their country of origin or who are economically in a weak or precarious position.

Though not examined in this paper the other demands made upon spouses to qualify for entry, in particular the pre-entry language tests or integration at the border (Scholten et al. 2012), also demand economic resources and are generally designed to filter out the economically weak and those with lower levels of cultural capital, especially education, who are deemed less able to fit into the society of destination (Block 2015, Bonjour and Duyvendak 2017; Bonjour and Kraler 2014, Kofman et al. 2015). As family migration has become highly politicised, more attention has turned to spouses (higher age of marriage and pre-entry tests) with countries either seeking

to sharply reduce the overall number of family migrants and/or change the profile away from those they do not want to those they do ie, from an *immigration subie* to an *immigration choisie*. Van Kerckem et al. (2013) suggest that European governments have been fixated with transnational marriages by minority ethnic groups, especially those from Muslim countries, such as Morocco, Pakistan and Turkey. Yet there is evidence that global mobility of Europeans moving beyond the EU and non-EU citizens spending time in the EU has led to an expansion of the field of intimate relations and partnerships (Wagner 2015). For example in the UK, partner visas cover a great diversity of nationalities and reflect a range of situations, well beyond the stereotypical transnational marriage between minority ethnic groups. Although 52% of those granted settlement as a result of family permits in 2008 came from 10 countries, including the USA, South Africa, China and the Philippines in addition to the traditional source of South Asian countries, the other half covers a very wide range of nationalities (Charsley et al. 2012; Home Office 2011).

In the next section I examine the different ways in which economic criteria, especially minimum income, have now increasingly been applied to sponsors in three European countries in addition to restrictions on spouses and the class impact of these measures. Class matters not only in relation to the immediate effect of the regulation but also to cultural capital, especially educational qualifications, that may contribute to the development of coping strategies to eventually meet the requirement and reduce the duration of family separation.

Income Requirements and Class Outcomes

The Netherlands

Income requirements had been increasing steadily in the 1990s at a time when multicultural policies were also being questioned. In 2004, an income of 120% of minimum full-time wage (about €18,200 per year before taxes), with a stable contract of at least one year or three years earnings at that level, was imposed on those aged 23 years and above who wished to bring in a family member. This level was chosen on the grounds that new migrants should not become a burden on the public purse and fixed at that at which the individual no longer had the right to welfare provided by local authorities. The level of minimum income was designed to reduce family

formation by 45%, in particular amongst Moroccan and Turkish Dutch (Leerkes and Kulu-Glasgow 2011).

At the time of implementation, about a third of workers, including those working part time, did not earn 120% of minimum income (the level for family formation) whilst another 300,000 were on welfare. The reduction in actual numbers granted admission from 2004 to 2009 was higher (49%) amongst females compared to males generally (32%). In terms of age, it was over 50% for those between 21 and 28 years compared to those over 28 years (33%). Marriage with overseas partners dropped by 37% overall but by 55% for Turkish Dutch and 53% for Moroccan Dutch. For those with Western nationalities it also dropped by 38% and for native Dutch by 25% (Leerkes and Kulu-Glasgow 2011: 111), hence indicating a lesser impact for non-ethnic Dutch. When one combines ethnicity and gender, the fall was particularly striking for female sponsors of Turkish background whose successful applications declined by 57% compared to Dutch-born males sponsors with 22%.

A study (Kulu-Glasgow and Leerkes 2013) of Turkish applicants, who had difficulties in initially meeting the income requirement, found that amongst the 50 interviewees, those with higher educational levels, were more likely to be able to negotiate higher salaries or to find better paid employment. Those with lesser cultural capital tended to rely on social networks and social capital within the Turkish community to try to make up the deficit by obtaining jobs or getting employers to increase their wages on paper.

Although the income requirement has been maintained, the level of 120% was considered unlawful by the European Court of Justice in 2010. This was because, among other things, “measures concerning family reunification should be adopted in conformity with the obligation to protect the family and respect family life enshrined in many instruments of international law” (*Case C-578 Chakroun v Minister van Buitenlandse Zake 4 March 2010*, line 44) and that the level had to be treated as a reference point allowing for an individual decision rather than as a hard and fast threshold. Following the decision, the Minister of Justice decided that an income requirement of 100% would now be applied to all new applications, including those of Dutch citizens

Norway

From 2004 and 2010 Norwegian immigration policy was reshaped in response to two categories of concern in terms of family migration. The first were asylum seekers for which liberal family migration regulations might be seen as a pull factor. The second

were young citizens of minority background at risk of forced marriage, both of which, had been raised in the report of the Immigration Commission in 2004. For refugees the distinction was made between those wishing to bring in existing family members (reunification) and those seeking to bring in new family members (formation) in which case they would have had to have worked or studied for 4 years (IMO 2013). There was an attempt to raise the age of marriage to 21 years, supposedly as a preventive measure against forced marriage but this was dropped in 2007. However, young citizens and those with international protection only represented a minority of family migration (Staver 2015). The income requirement was thus multi purpose and aimed at addressing issues of adequate financial support, integration, forced marriage and higher asylum flows. Skilled workers, a group to be encouraged, were exempt from the income requirement.

The old regulations had contained a subsistence requirement which could be made up of both partners' income. The new regulations, passed in 2008, and which came into force in January 2010, raised the income requirement considerably and only counted the sponsor's income. The sponsor has to demonstrate they are earning a designated level of income, have earned the relevant amount for the past year and will most likely continue to earn it the next year. There is no minimum wage in Norway. The level of income is calculated on the basis of 88% of grade 19 of a civil servant salary (IMO 2013: 15). As of 2014, sponsors had to show an income of NOK 251,856 and demonstrate that they earned NOK 246,136 in 2013 (about €31,000). It was raised to grade 24 in the state salary scale which, as of 1 May 2015, amounted to an income of NOK 307 600 per year (about €32,546) but as of 2017 has been brought down again to the old level (Gustafsson Gronningsaeter and Brekke 2017). In addition applicants have to demonstrate they have suitable housing and that they haven't received social assistance in the past year.

Rejections of applications in 2010 increased by six percentage points compared with the year before. In 2011, almost all applications were processed in accordance with the new Act, and rejections of applications rose by a further 2% to 30%. The most important reason for rejecting applications was the income requirement. However, skilled workers (as well as students, Norwegians returning from work abroad, and pensioners) are exempt from the requirement of demonstrating the previous year's income, hence an acceptance rate of 99% for skilled workers in 2012 compared to 68% for citizens, residents and refugees (UDI 2012) with higher rates of rejection for female applicants (Staver 2015).

Thus the impact of the new regulations has been uneven. Family-related immigration represented 32% of the non-Nordic immigration to Norway in 2012, 2%

higher than the previous year. The total number of new family related permits given to third-country nationals decreased slightly from 12 900 in 2011 to 12 500 in 2012. Criticisms on grounds of gender inequality were made (an increase in gender difference in acceptance rate which, by 2011, was 60% for women and 79% for men), but, except for an easing of conditions for Norwegians who had worked abroad, including women who had not worked whilst abroad or those who had been students, further changes have not been made (Cochran Bech et al. 2017).

The UK

The UK has passed legislation on all three major measures (age of marriage, pre-entry integration tests, minimum income) in an attempt to reduce and change the composition of marriage migration. The previous Labour government had raised the age of entry and sponsorship from 18 to 21 years and planned pre-entry tests which were implemented from 29 November 2011 by the Conservative-led Coalition government. That government also raised the minimum income substantially to £18,600 pa (approximately 140% of the minimum wage at the time), making it one of the highest income levels in the world (Huddleston 2012). The Migration Advisory Committee (2011) had calculated that this was the level at which a couple would not qualify for any income-related benefits.

The Home Office Policy Equality Statement on Family Migration (2012) identified the government's aims as being to safeguard the economic well-being of the UK by reducing the burden on the taxpayer: " ... those who choose to establish their family life in the UK by sponsoring a non-EU partner to settle here should have sufficient financial independence to be able to support themselves and their partner without relying on public funds". The justification of preventing a burden on welfare expenditure dominates the rationale for tightening the conditions of family migration.

Compared to the other two measures, the income requirement introduced on 9 July 2012 has had the greatest impact on numbers, composition and the groups affected by it. A study in Scotland showed that 90% of those who had encountered problems with bringing in their spouse said it was due to the minimum income requirement (Baillot and Brady 2016). As in other countries, there had previously been a subsistence level based on the net income of the sponsor and the non-EU spouse which, after the deduction of housing costs, had to be at least the equivalent of Income Support (£5500 per year excluding housing costs which vary according to location). Various sources of income could previously have been used as evidence of

means of support, including, after a lengthy court battle, those obtained from family members. The new regulations exclude any prospective income the spouse may earn or third party support towards making up any shortfall in income. Non-cash resources, such as housing, do not count. The income requirement is based on stable and continuous income for a 6-month period, thereby rendering it more difficult to attain for those without regular jobs and the self employed whose income may vary considerably and has to be earned over a year. Whilst savings can make up for the shortfall, it has to be held for 6 months and only counts for savings above £16,000.

The Migration Advisory Committee (2011) estimated that 45% of those who had qualified for sponsorship under the old regulations would not do so under the new ones. The Migration Observatory (2012) calculated that 47% of British citizens in employment would not qualify and it would fall unequally across different groups. Women, young people between 20 and 30 years, certain minority ethnic groups, especially Bangladeshi and Pakistani, and those living outside of London and the South East, would be disproportionately affected. Though acknowledging that some groups would be disadvantaged disproportionately the government sought to justify it in economic terms and to claim that, despite it being discriminatory, its measures were proportionate to its aims.

The refusal rate for non-EEA partner entry clearance rose from 19% in the first quarter of 2012 to 46% in the fourth quarter of the same year and from 10% to 18% for those applying in the UK. The number of non-EU partner visas granted fell from 32,764 in the year ending September 2012 to 24,655 in the year ending September 2013, ie. a decrease of 25%. Apart from the drop in applications and increase in rejections, especially in the period immediately after the introduction of the minimum income rule, there is considerable evidence of the impact on the lives of specific families collected by parliamentary enquiries (APPG 2013), background papers to legal challenges in the courts (Wray and Kofman 2014), media reports, a survey by an association set up in 2012 to campaign against the rule (Britcits 2013) and research commissioned by the Office of the Children's Commissioner on the impact on families with children (Middlesex University and JCWI 2015). The survey by Britcits estimated about a quarter of affected families had children.

The OCC report, which included a survey of 100 families (58 female and 42 male sponsors) with children affected in different ways by the minimum income rules, demonstrated that although it was hitting low income families, the rigidity of the criteria meant that it also encompassed a number of middle class families. The educational attainment of the sample was high with 66 having an undergraduate or

masters degree but only a third were employed permanently and full-time. Amongst the low income were those working in poorly paid jobs, such as nursery assistants, cleaners, shop workers, driving instructors, and women with child care responsibilities on benefits. In some instances women had earned the stipulated income before having a child but as de facto single parents could not do so without a partner or parents to help them to be able to work sufficient hours to meet the minimum income.

Middle class families were entrapped because they either worked in jobs in the Global South that did not convert to the British income in pounds or the British citizen, though living in a well off household with a male breadwinner, was looking after children and not working. Unlike in Norway, returning British do not have an exemption from the rule. Many of the spouses of British citizens living abroad were well educated with 48 having at least an undergraduate degree and were in occupations such as landscape gardener, IT administrator, academic, accountant, and chef. Some had UK higher education degrees and would have been able to obtain employment quite rapidly.

Nonetheless, middle class families had more economic and cultural capital that enabled them to work strategically around the minimum income and its rigid conditions. Hence, although the sponsor resident in the UK might not be able to bring in a spouse immediately, there was a greater possibility for family separation to be temporary rather than long-term or permanent. Their means of fulfilling the required income level could involve converting fixed assets into cash, such as selling a house, to make up for inadequate earned income. For those abroad in professional jobs it meant returning to the UK without the spouse and children in order to search for a job with the right amount of remuneration and work for the stipulated 6 months before applying to bring in family members. An example was a development worker in the health sector who returned to the UK from a South Asian country and quickly found employment in the UK.

Another strategy used by those with some flexibility was exercising their free movement rights. We do not know how common this strategy has been in the European Union, but it has happened extensively in Denmark with an estimated 2-3000 people who have moved to Sweden due primarily to the attachment criteria and minimum age of marriage (Fernandez and Jenner, 2014; Rytter 2012; Wagner 2015). Though the UK government has not provided any data, since 2012 there appear to be more couples using the Surinder Singh route, or transfer of residence to another EU country, in order to live with spouses (Wray et al. forthcoming). Under this principle, those who exercise free movement rights in another state, may be

accompanied by their family member on their return to the state of their nationality (*Surinder Singh* (C-370/90) [1992] ECR I-4265). They have been required since 2014 by the UK government, which adopted the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2013 (SI No 3032) to show that “the centre of [the British citizen]’s life has transferred to the EEA State where [the British citizen] resided as a worker or self-employed person” for a period of at least 3 months, though longer makes it more convincing. Under EU law (EC Directive 2004/38, of the European Parliament and Council on the Right of Citizens of the Union and their members to move and reside freely within the territory of the Member States, there is no income threshold; the individual simply has to be able to provide economically for the family and not be a burden on the state. It is also often a cheaper solution to avoid the very high application fees in the UK or payment of a bank guarantee in Denmark.

In a small study of 20 couples who had either considered or used the route (Wray et. al. forthcoming), the level of education or institutional cultural capital was very high. Couples were contemplating or had moved to another EU country because they couldn’t meet the financial threshold, either if in the UK or outside, and it would cost them too much, cause a lot of stress and mean being separated. In some instances, it was difficult living in the spouse’s country (Bangladesh, China, Cuba). Many stated they liked travelling and it was exciting living in another country while some could develop a career at the same time. The couples were relatively young – eight couples were both under 30 years, 17 of the UK citizens had an undergraduate degree while 4 had or were completing a PhD. In terms of employment, some were studying part-time or working online. One of the main difficulties of moving to another EU country was the need for flexibility so it is most advantageous for those with financial resources, often from parents (which could not be used towards the UK minimum income requirement), but were not anchored down by children, especially school age ones, and could mobilise social and cultural capital. Some, who had acquired another EU citizenship, had little intention of returning permanently to the UK but wanted to be able to live transnationally if they so desired. In addition, two of the people interviewed (one contemplating, the other undertaking it) had parents they wanted to bring to the UK, but the degree of care required under the Adult Dependents Rule (July 2012) to bring their parent(s) to the UK has become so intense that virtually no parents would qualify (JCWI 2014). In this case, money couldn’t buy the right of entry even if no use is made of health and welfare services.

In relation to the minimum income requirement, the legal challenge has moved through all the judicial levels from the High Court to the Supreme Court (MM

& Ors vs SSHD (2017) UKSC) which upheld the requirement on 22 February 2017. Nonetheless the Supreme Court declared the Family Migration Rules were unlawful because they did not give primary consideration to the best interests of children and that they should therefore be rewritten to take children's welfare into account (see Middlesex University and JCWI 2015). It also recommended that other reliable sources of earnings or finance should not necessarily be precluded where circumstances give rise to a positive ECHR article 8 duty. Where children are not involved, taking account of these other reliable resources is likely to have a class dimension. Spouses are more likely to demonstrate they will be able to obtain a reliable job if they have a profession or a skilled trade. Third party support may be accessed from well off parents although its also available in migrant communities in which resources circulate among kin. Nevertheless, making a convincing case for the availability of additional resources is more likely to succeed with legal advice. Given that in the UK there is no longer any legal aid, doing so also involves resources.

Conclusion

Initially more restrictive conditions for marriage migrants were justified on cultural grounds (e.g. forced and arranged marriages, lack of gender equality) pertaining to particular minority ethnic groups who were also often in a weak economic position. Female migrants from these groups could be shown to have a weak attachment to the labour market and therefore, especially in Nordic countries and the Netherlands, did not sufficiently live up to what constituted a good citizen who, in turn, would not reproduce productive citizens. As the financial crisis has deepened, economic arguments in terms of labour market participation and burden on the welfare state, and thus the need for financial independence, have come ever more to the fore.

The transference of economic criteria normally associated with labour migration to family migration moves this entry route away from a debate about the human rights of citizens and their migrant family members (Schrover and Moloney 2013). Minimum income requirements are not just multi purpose in their objectives (financial independence, integration) but they target both citizens and non citizens who are economically poorly remunerated through the labour market and deemed not to deserve to benefit from the right to bring their family members into the national community. In doing so, class has become the main determinant of access to family migration.

It is likely that the fixed minimum income is here to stay as a central requirement in those countries which have already introduced it. Legal challenges to this policy have only had partial success. The *Chakroun* case forced the Dutch government to reduce the minimum income to 100% for family formation. In Norway despite concerns about 'unintended consequences' and gender discrimination in the implementation of the income requirement, little change has ensued, and with the new right-wing government is unlikely to happen. In the UK the Supreme Court upheld the right of the State to impose a minimum income requirement despite any hardships it has caused. The major modification has been where children are involved and recommendations for a softening in the ways in which the income could be met. It should be noted that the Netherlands is bound by the Family Reunification Directive 2003/86/EC which is applicable to Third Country nationals unlike Norway and the UK. The Directive stipulates that, whilst a margin of appreciation is permitted, conditions should not undermine the objective of the Directive to promote family reunification and that each case should be individually examined. In the case of the Netherlands, the Directive also now applies to Dutch citizens (EMN 2017).

The turn towards economic drivers in the regulation of family migration contradicts what should, in a moral sense, underpin policy: the facilitation of intimate relationships by citizens and residents where these involve cross-border movement, except in clear cases of harm to the wider society. Rather it is economic membership of a society and class status which prevails and in which 'money buys a better class of citizenship' (Williams 2014). In all the countries discussed in this paper, policy restrictions have been justified by the need to ensure labour market participation, to protect the welfare budget and engender responsible and independent citizens. The result has been a substantial reduction in the number of successful applications.

The right to family life has been subordinated to instrumental calculations about the economic contribution migrants may make and their supposed burden on welfare expenditure. Less prosperous citizens and denizens without sufficient economic capital are increasingly excluded by national laws from determining how they live their family life. However those with cultural capital, such as students or skilled workers, may be exempt from having to demonstrate prior earnings, as in Norway. For the many who are not exempt, cultural capital may facilitate the search for better and more stable employment. Others are more likely to turn to remedies available in international law, such as EU free movement, to counteract the strictures of national regulations.

Although the different dimensions of class significantly stratify experiences of family migration and the impact of these regulations, so too do other social divisions

play a part in conjunction with class. Gender has been shown to be a significant aspect of stratification in family migration policies, especially of spouses in relation to dependency and labour market integration (Kraler 2010; Kraler and Bonizzoni 2010). As I have indicated throughout the article, gender in particular contributes to the unequal outcomes produced by minimum income regulations in this case in relation to female sponsors. It is largely due to the economic inequalities experienced by women in the labour market, such as the gender pay gap and caring responsibilities for children and parents. In the Netherlands, evidence shows how gender intersects with ethnicity to produce discriminatory outcomes in the application of the minimum income requirement. However this does not mean majority ethnic women and (men) are not affected by it, as the large number of white British citizens forced to live transnational family lives, confirms.

References

All Party Parliamentary Group (APPG) 2013 *Report of the Inquiry into New Family Migration Rules*, London.

Anderson, B. 2013 *Us and Them? The dangerous politics of immigration control*. Oxford: Oxford University Press.

Anthias, F. 2005 'Social stratification and social inequality. Models of inequality and identity' in F. Devine, M. Savage, J. Scott and R. Crompton (eds) *Rethinking Class: Culture, identities and lifestyle*, Palgrave Macmillan, pp. 24-45.

Block, L. 2015 'Regulating Membership: Explaining Restriction and Stratification of Family Migration in Europe', *Journal of Family Issues*, 36(11): 1433–1452.

Bonjour, S. and J. W. Duyvendak (2017) "The "migrant with poor prospects": racialized intersections of class and culture in Dutch civic integration debates", *Ethnic and Racial Studies*, DOI: 10.1080/01419870.2017.1339897

Bonjour, S. and Kraler, A. 2015 'Family Migration Policy and Integration: policy perspectives and academic insights', *Journal of Family Issues* 36(11), 1407-32.

Bourdieu, P. 1987 "The Forms of Capital", In A. H. Halsey, H. Lauder, P. Brown, and A. S. Wells (eds) *Education. Culture, Economy, Society*, pp. 46–58. New York: Oxford University Press.

BritCits 2013 Statistics from Britcits Poll for the MM Case

<https://www.scribd.com/doc/229037506/83-Stats-From-BC-Poll>

Charsley, K., B. Storer-Church, M. Benson and N. Van Hear 2012 "Marriage-related Migration to the UK" *International Migration Review*, 46(4), 861-890.

Chauvin, S., Garcés-Mascareñas, and A. Kraler 2013 'Working for legality: employment and migrant regularization in Europe', *International Migration* 51(6), 118-131

Cochran Bech, E. Borevi, K. and P. Mouritsen 2017 "A 'civic' in Scandinavian family migration policies? Comparing Denmark, Norway and Sweden", *Comparative Migration Studies* 5(7)

Eggbø, H. 2010 "The problem of dependency: immigration, gender and the welfare state", *Social Politics* 17(3): 295–322.

Entzinger, H., P. Ivanescu, P. Scholten and S. Suvaierol 2013 *The Impacts of Restrictions and Entitlements on the Integration of Family Migrants. IMPACIM Country Report. The Netherlands*

Erel, U. 2010 "Migrating cultural capital: Bourdieu in migration studies", *Sociology* 44(4), 642-60

European Migration Network 2017 *Family Reunification of Third Country nationals in the EU plus Norway: national practices*. EMN Synthesis Report. EMN

Fernandez, N. and Jensen, T. 2014 'Intimate contradictions: comparing the impact of Danish family reunification laws on Pakistani and Cuban migrants', *Journal of Ethnic and Migration Studies* 40(7): 1136-53.

Fresnoza-Flot, and K. Shinozaki 2016 "Transnational perspectives on intersecting experiences: gender, social class and generation among Southeast Asian Migrants

and their families”, *Journal of Ethnic and Migration Studies*, 43(6): 867-84.

Giddens, A. 1992 *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies*, Polity, Cambridge.

Goodman, S. 2011 “Controlling immigration through language and country knowledge requirements”, *West European Politics* 34(2):235-255.

Gustafsson Gronningsaeter, A. and J. Brekke 2017 *Family Reunification of TCNs in the EU: National Practices. Norway. European Migration Network*

Home Office 2011 *Family Migration: Evidence and Analysis*, Occasional Paper 94

Huddleston, T. 2012 ‘Can’t buy me love’. *UK sets one of the world’s highest income requirements for people to reunite with family*, Migration Policy Group, Brussels.

IMO 2013 *International Migration 2012-2013. Report for Norway*

Joint Council for the Welfare of Immigrants 2014 *Harsh, Unjust, Unnecessary. Report on the Impact of the Adult Dependent Relative Rules on Families and Children*, JCWI.

Kelly, P. 2012 “Migration, transnationalism, and the spaces of class identity”, , *Philippine Studies: Historical and Ethnographic Viewpoints*, 60(2): 153–86.

Kofman, E., Saharso, S. and E. Vacchelli, 2015 “Gendered perspectives on integration measures”, *International Migration*, 53(4): 77-89.

Kraler, A. 2010 *Civic Stratification, Gender and Family Migration Policies in Europe*, Vienna: ICMPD.

Kraler, A. and P. Bonizzoni, 2010 “Gender, civic stratification and the right to family life: problematizing immigrants’ integration in the EU”, *International Review of Sociology* 20(1): 199-205.

Kraler, A. C Hollomey, C. Hurich, A. König & G. Muzak 2013 *Family Reunification: A barrier or facilitator of integration? Country Report Austria*. Vienna: ICMPD

Kulu-Glasgow, I. and A. Leerkes 2013 "Restricting Turkish marriage migration? National policy, couples' coping strategies and international obligations", *Migration Letters* 10(3): 369-82

Leerkes, A. and I. Kulu-Glasgow 2011 "Playing Hard(er) to Get: The State, International Couples, and the Income Requirement"" *European Journal of Migration and Law* 13(1): 95-121.

Mai, N. and R. King 2009 'Love, sexuality and migration: mapping the issue(s)', *Mobilities* 4(3): 295-307.

Middlesex University and Joint Council for the Welfare of Immigrants 2015 *Family Friendly? The Impact on Children of the Family Migration Rules: A Review of the Financial Requirements*, Office of the Children's Commissioner.

Migration Advisory Committee 2011 *Review of the Minimum Income Requirement for Sponsorship Under the Family Migration Route*, London.

Migration Observatory 2012 *Women, Young People and Non-Londoners Are the Most Affected by Changes in Family Migration Policy*, Oxford University

Migration Rights Network 2014 *The Family Migration Income Threshold: Pricing UK Workers out of a Family Life*, London.

Pascouau, Y. and H. Labyle 2011 *Conditions for Family Reunification under Strain: A Comparative Study in Nine EU Member States*, King Baudouin Foundation: European Policy Centre, Odysseus Network, Brussels..

Ruffer, G. 2011 'Pushed beyond recognition: The liberality of family reunification policies in the EU', *Journal of Ethnic and Migration Studies* 37(6) 935-951.

Rytter, M. 2011 'Semi-legal family life: Pakistani couples in the borderlands of Denmark and Sweden', *Global Networks* 12 (1) 91–108.

Savage, M., F. Devine, N. Cunningham, M. Taylor, Y. Li, J. Hjelbrekke, B. le Roux, S. Freedman and A. Miles 2013 'A new model of social class? Findings from the

BBC's great British class survey experiment', *Sociology* 47(2): 219-50.

Schinkel, W. and F. van Houdt, 2010 'The double helix of cultural assimilationism and neo-liberal: citizenship in contemporary governmentality' *The British Journal of Sociology* 61(4), 696-715.

Scholten, P. et al. 2012 *Integration from Abroad? Perception and impacts of pre-entry tests for third country nationals*. PROSINT Comparative Report, Vienna, ICMPD.

Schrover, M. and D. Moloney 2013 *Gender, Migration and Categorization. Making distinctions between migrants in Western countries 1945-2010*, University of Amsterdam Press.

Sirriyeh, A. 2015 "All you need is love and £18,600': Class and the new UK family migration rules", *Critical Social Policy* 35(2):228-247.

Standing, G. 2011 *The Precariat. The New Dangerous Class*, Bloomsbury: London.

Staver, A. 2013 "Free movement and the fragmentation of family reunification rights", *European Journal of Migration and Law*, 15(1), 69-89.

Staver, A. 2015 "Hard work for love . The economic drift in Norwegian family immigration and integration policies", *Journal of Family Issues*, 36(11): 1453-1471.

Strik, T. B. de Hart and E. Nissen 2013 *Family Reunification: A barrier or facilitator of integration? A comparative study*, European Commission.

UDI (Norway) 2012 *Annual Report 2012*

UDI (Norway) Income requirement

<http://www.udi.no/en/word-definitions/income-requirement-in-family-immigration-cases-/> accessed 30 August 2014

van Hear, N. 2014 "Reconsidering migration and class" *International Migration Review* 48(S1), S100-21.

Van Kerckem, K., B. van Bracht, P. Van Putte and A. Stevens

2013 'Transnational marriages on the decline: explaining changing trends in partner choice among Turkish Belgians', *International Migration Review*, 47(4): 1006-38.

Van Walsum, S. 2012 *Intimate Strangers*, Inaugural Lecture Professor of Migration Law and Family Ties, Faculty of Law, VU University Amsterdam.

Wacquant, L. 2013 'Symbolic power and group-making: on Pierre Bourdieu's reframing of class', *Journal of Classical Sociology*, 13(2): 274-91.

Wagner, R. 2015 Family life across borders: strategies and obstacles to integration', *Journal of Family Issues* 36(11), 1509-28.

Weiss, A. (2005) 'The transnationalization of social inequality: Conceptualizing social positions on a world scale', *Current Sociology* 53(4), 707-28.

Williams, Z. 2014 "'These days money buys you a better class of citizenship", *The Guardian* 14 December

Wray, H. 2006 "Moulding the migrant family", *Legal Studies* 29: 592-618

Wray, H. and E. Kofman 2014 *Second Expert Report. Re Javed and others vs SSHD*

Wray, H. A. Agoston and J. Hutton 2014 "A family resemblance? The regulation of marriage migration", *European Journal of Migration and Law* 16(2): 209-247.

Wray, H., Kofman, E. and A. Simic forthcoming Subversive strategies: Who can use EU free movement law to bypass the UK's rules on marriage migration? *Journal of Ethnic and Migration Studies*.

Yeo. C. 2017 The Surinder Singh Immigration Route: How Does it Work? (updated) <https://www.freemovement.org.uk/surinder-singh-immigration-route/>